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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,727	02/10/2004	Larry Edward Schurr	2538-000018US	1551

28997 7590 09/08/2005

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EXAMINER	
FERGUSON, MICHAEL P	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/775,727	SCHURR ET AL.	
	Examiner	Art Unit	
	Michael P. Ferguson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-24 is/are rejected.

7)☐ Claim(s) 25 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 10 February 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 03/04/04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1,7,12,14,21 and 22 are objected to because of the following informalities:

Claim 1 (line 2) recites "each having". It should recite --each edge having--.

Claim 7 (line 2) recites "each having". It should recite --each edge having--.

Claim 12 (line 2) recites "each having". It should recite --each edge having--.

Claim 14 (line 3) recites "the device". It should recite --the housing--.

Claim 21 (line 2) recites "each having". It should recite --each edge having--.

Claim 22 (line 2) recites "each having". It should recite --each edge having--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites "A housing comprising the apparatus". Claim 6 omits the necessary structural limitations in order to determine the structural cooperating relationship between the apparatus and the housing. It is unclear as to whether claim 6

is merely renaming the apparatus as a housing, or whether the housing and the apparatus are separate structures.

Claim 20 recites "An electrical power supply comprising the housing". Claim 20 omits the necessary structural limitations in order to determine the structural cooperating relationship between the electrical power supply and the housing. It is unclear as to whether claim 20 is merely renaming the housing as an electrical power supply, or whether the housing and the electrical power supply are separate structures.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,5-7,11,12 and 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Raspotnig (US 6,543,957).

As to claim 1, Raspotnig discloses an apparatus for detachably mounting a device **10** to a rail **28** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the apparatus comprising:

a bracket **12** on the device, the bracket having a recess for receiving the first edge of the rail, the recess including a lip for engaging the back face of the rail adjacent the first edge;

a clamp **22** on the device, the clamp having a resilient wing **26** for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the lip; and

a latch **44** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1-4).

As to claim 5, Raspotnig discloses an apparatus wherein the latch **44** is movably coupled to the device **10** to slidably engage the back face of the rail **28** adjacent the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 4).

As to claim 6, Raspotnig discloses a housing **10** comprising the apparatus (Figure 1).

As to claim 7, Raspotnig discloses in combination with a rail **28** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, a device **10** detachably mounted to the rail, the device comprising:

a bracket **12** having a recess for receiving the first edge of the rail, the recess including a lip for engaging the back face of the rail adjacent the first edge;

a clamp **22** having a resilient wing **26** for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the Lip; and

a latch **44** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1-4).

As to claim 11, Raspotnig discloses a combination wherein the latch **44** is movably coupled to the device **10** to slidably engage the back face of the rail **28**

adjacent the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 4).

As to claim 12, Raspotnig discloses a housing **10** detachably mountable to a rail **28** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the housing comprising:

a bracket **12** defining a recess for receiving the first edge of the rail, the recess including a Lip for engaging the back face of the rail adjacent the first edge;

a clamp **22** including a resilient wing **26** for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the Lip; and

a latch **44** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1-4).

As to claim 16, Raspotnig discloses a housing **10** wherein the housing defines a plurality of generally rectangular openings for venting an area between the housing and a component positioned within the housing (Figure 1).

As to claim 17, Raspotnig discloses a housing **10** wherein the openings are arranged in a plurality of rows, each row being generally perpendicular to a front surface of the housing (Figure 1).

As to claim 18, Raspotnig discloses a housing **10** wherein the housing includes a beveled front surface (Figure 1).

As to claim 19, Raspotnig discloses a housing **10** wherein the Latch **44** is movably coupled to the housing to slidably engage the back face of the rail **28** adjacent

the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 4).

As to claim 20, Raspotnig discloses an electrical power supply comprising the housing **10** (Figure 1).

As to claim 21, Raspotnig discloses an apparatus for detachably mounting a device **10** to a rail **28** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the apparatus comprising:

means **12**, coupled to the device, for defining a recess for receiving the first edge of the rail, the recess including a Lip for engaging the back face of the rail adjacent the first edge;

means **22**, coupled to the device, for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the Lip; and

means **44** for engaging the back face of the rail adjacent the second edge against the bias of the means for resiliently engaging (Figures 1-4).

As to claim 22, Raspotnig discloses a method for detachably mounting a device **10** to a rail **28** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the method comprising:

positioning the first edge of the rail within a recess defined by a bracket **12** on the device, the positioning engaging a Lip of the recess with the back face of the rail adjacent the first edge and resiliently engaging a wing **26** of a clamp **22** on the device with the front face of the rail, proximal to the engagement between the rail and the Lip; and

engaging a Latch **44** with the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1-4).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Baum (US 5,480,310).

As to claim 1, Baum discloses an apparatus for detachably mounting a device **10** to a rail **12** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the apparatus comprising:

a bracket **45** on the device, the bracket having a recess for receiving the first edge of the rail, the recess including a lip for engaging the back face of the rail adjacent the first edge;

a clamp **15** on the device, the clamp having a resilient wing **30,26** for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the lip; and

a latch **47** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1 and 8-11).

As to claim 2, Baum discloses an apparatus wherein the clamp **15** comprises two wings **30,26** disposed on opposite sides of the bracket **45** (Figure 11).

As to claim 3, Baum discloses an apparatus wherein the clamp **15** has a generally C-shaped **26,30** cross-section, with a substantially flat central section **41** disposed between the bracket **45** and the device **10** (Figure 11).

As to claim 4, Baum discloses an apparatus wherein the clamp **15** has an opening therethrough (between wings **26,30**) for receiving (seating) a portion of the bracket **45** (Figure 11).

As to claim 5, Baum discloses an apparatus wherein the latch **47** is movably coupled to the device **10** to slidably engage the back face of the rail **12** adjacent the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 9).

As to claim 6, Baum discloses a housing **10** comprising the apparatus (Figure 1).

As to claim 7, Baum discloses in combination with a rail **12** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, a device detachably mounted to the rail, the device comprising:

a bracket **45** having a recess for receiving the first edge of the rail, the recess including a Lip for engaging the back face of the rail adjacent the first edge;

a clamp **15** having a resilient wing **26,30** for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the Lip; and

a latch **47** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1 and 8-11).

As to claim 8, Baum discloses a combination wherein the clamp **15** comprises two resilient wings **26,30** disposed on opposite sides of the bracket **45** (Figure 11).

As to claim 9, Baum discloses a combination wherein the clamp **15** has a generally C-shaped **26,30** cross-section, with a substantially flat central section **41** disposed between the bracket **45** and the device **10** (Figure 11).

As to claim 10, Baum discloses a combination wherein the clamp **15** has an opening therethrough (between wings **26,30**) for receiving (seating) a portion of the bracket **45** (Figure 11).

As to claim 11, Baum discloses a combination wherein the latch **47** is movably coupled to the device to slidably engage the back face of the rail **12** adjacent the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 9).

As to claim 12, Baum discloses a housing **10** detachably mountable to a rail **12** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the housing comprising:

a bracket **45** defining a recess for receiving the first edge of the rail, the recess including a Lip for engaging the back face of the rail adjacent the first edge;

a clamp **15** including a resilient wing **26,30** for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the Lip; and

a Latch **47** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1 and 8-11).

As to claim 13, Baum discloses a housing **10** wherein the clamp **15** comprises two wings **26,30** disposed on opposite sides of the bracket **45** (Figure 11).

As to claim 14, Baum discloses a housing **10** wherein the clamp **15** has a generally C-shaped **26,33** cross-section, with a substantially flat central section **41** disposed between the bracket **45** and the housing **10** (Figure 11).

As to claim 15, Baum discloses a housing **10** wherein the clamp **15** has an opening (between wings **26,30**) therethrough for receiving (seating) a portion of the bracket **45** (Figure 11).

As to claim 16, Baum discloses a housing **10** wherein the housing defines a plurality of generally rectangular openings for venting an area between the housing and a component positioned within the housing (Figure 1).

As to claim 17, Baum discloses a housing **10** wherein the openings are arranged in a plurality of rows, each row being generally perpendicular to a front surface of the housing (Figure 1).

As to claim 18, Baum discloses a housing **10** wherein the housing includes a beveled front surface (Figure 1).

As to claim 19, Baum discloses a housing **10** wherein the Latch **47** is movably coupled to the housing to slidably engage the back face of the rail **12** adjacent the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 9).

As to claim 20, Baum discloses an electrical power supply (inherently; not shown) comprising (attached to) the housing **10** (Figure 1).

As to claim 21, Baum discloses an apparatus for detachably mounting a device **10** to a rail **12** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the apparatus comprising:

means **45**, coupled to the device, for defining a recess for receiving the first edge of the rail, the recess including a Lip for engaging the back face of the rail adjacent the first edge;

means **15**, coupled to the device, for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the Lip; and

means **47** for engaging the back face of the rail adjacent the second edge against the bias of the means for resiliently engaging (Figures 1 and 8-11).

As to claim 22, Baum discloses a method for detachably mounting a device **10** to a rail **12** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the method comprising:

positioning the first edge of the rail within a recess defined by a bracket **45** on the device, the positioning engaging a Lip of the recess with the back face of the rail adjacent the first edge and resiliently engaging a wing **26,30** of a clamp **15** on the device with the front face of the rail, proximal to the engagement between the rail and the Lip; and

engaging a Latch **47** with the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1 and 8-11).

As to claim 23, Baum discloses a method wherein the method includes coupling the clamp **15** to the device **10** by positioning a portion **41** of the clamp between the device and the bracket **45** (Figure 11).

As to claim 24, Baum discloses a method wherein the clamp has a generally C-shaped **26,30** cross-section with a substantially flat central section **41**, and wherein the coupling includes positioning the substantially flat central section between the bracket **45** and the device **10** (Figure 11).

Allowable Subject Matter

8. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 25, Baum discloses the claimed method with the exception of wherein the clamp has an opening therethrough, and wherein the coupling includes receiving a portion of the bracket, through the opening of the clamp.

There is no teaching or suggestion, absent the applicants' own disclosure, for one having ordinary skill in the art at the time the invention was made to modify a method as disclosed by Baum to have the above mentioned elemental features.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to mounting apparatuses:

Diekmann et al. (US 5,890,916) and Bechaz et al. (US 6,471,552) are cited for pertaining to apparatuses comprising a bracket, a clamp having a wing and a latch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MPF
08/24/05

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